

### Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the present application.

1. (currently amended) An isolated DNA molecule encoding a hypersensitive response eliciting protein or polypeptide, wherein the isolated DNA molecule is selected from the group consisting of (a) a DNA molecule comprising ~~SEQ ID No.~~ SEQ ID NO: 1, (b) a DNA molecule encoding a protein comprising ~~SEQ ID No.~~ SEQ ID NO: 2, (c) a DNA molecule from a source other than *Pseudomonas syringae* pv. *tomato* which hybridizes to a DNA molecule comprising the complement of ~~SEQ ID No.~~ SEQ ID NO: 1 under hybridization conditions comprising hybridization at 62°C for 8 hours in a hybridization medium that contains about 1.7M Na<sup>+</sup> followed by wash conditions effective to remove DNA that binds non-specifically to the DNA molecule comprising the complement of SEQ ID NO: 1 ~~a temperature of about 65°C in a hybridization medium comprising about 1M NaCl~~, and (d) a DNA molecule complementary to DNA molecules (a), (b), or (c).

2. (currently amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule comprising ~~SEQ ID No.~~ SEQ ID NO: 1.

3. (currently amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule encoding a protein comprising ~~SEQ ID No.~~ SEQ ID NO: 2.

4. (currently amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule from a source other than *Pseudomonas syringae* pv. *tomato* which hybridizes to a DNA molecule comprising the complement of ~~SEQ ID No.~~ SEQ ID NO: 1 under hybridization conditions comprising hybridization at a temperature of about 65°C in a hybridization medium comprising about 1M NaCl 62°C for 8 hours in a hybridization medium that contains about 1.7M Na<sup>+</sup> followed by wash conditions effective to remove DNA that binds non-specifically to the DNA molecule comprising the complement of SEQ ID NO: 1.

5. (previously amended) An isolated DNA molecule according to claim 1, wherein said DNA molecule is a DNA molecule complementary to DNA molecules (a), (b), or (c).

6. (previously amended) An expression vector comprising the DNA molecule of claim 1.

7. (previously amended) An expression vector according to claim 6, wherein the DNA molecule is in sense orientation.

8. (original) A host cell transformed with the DNA molecule of claim 1.

9. (previously amended) A host cell according to claim 8, wherein the host cell is a plant cell or a bacterial cell.

10. (previously amended) A host cell according to claim 8, wherein the DNA molecule is comprised within an expression vector.

11-39 (canceled)

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